

**August 7, 2016**

**Dear Code Update Committee:**

**Thank you very much for presenting your Phase I recommendations last week. It's clear a lot of work has gone into the project so far, so thank you.**

**I am concerned about the proposal to change the zoning on the former Marathon battery plant site from industrial (I-1) to mixed use (MU-1). You acknowledge the problem of vehicular access to the area, and I think changing the zoning without a realistic plan to address this problem would be a big mistake. I note that you have omitted proposing changes to the bulk and area regulations for now, so what you have proposed to date is not necessarily risky, but clearly if you are changing the zoning to permit "live/work" units then the area requirements will have to change as well. If the village changes the zoning and then the owner of the property submits a development plan that complies with all the requirements of the new MU-1 zone, it would put the village in a difficult position. Yes, any proposal would have to go through site plan review and environmental impact study, and the project could most likely be denied on the grounds of negative environmental impact due to increased traffic, but why take that risk? We need every option available to make sure whatever happens at Marathon benefits the village and does not negatively impact surrounding residents. Leaving the parcel as I-1 gives the village greatest leverage when the time comes that the property owner wishes to move forward with developing the site.**

**It's been well documented in both the Comprehensive Plan and the LWRS that the three options to gain better access to the site are:**

- **Return the Main Street end of Kemble Ave to two-way traffic**
- **Convert the road through Forge Gate into a public thoroughfare**
- **Extend Lunn Terrace to meet The Boulevard**

**The first two options would so negatively impact local residents that they really should not be on the table. (However, the Marathon property owner in his remarks at one public forum suggested there may be questions about the legal status of the road through Forge Gate, which is a concern.) The only practical option appears to be the Lunn Terrace extension, but this too was unpopular with area residents, and no-one knows if it really is practical. We do know that it would be hugely expensive, and we have to make sure village residents would not bear any of the cost. We would surely want to grant the zoning change only if the developer assumes this cost, or shares the cost with Metro North or some other entity. Siting a "new urbanist"-style mixed use development next to an**

existing train station would be in keeping with the principles of smart development, etc. so it's not crazy to imagine there could be external funding available.

The LWRS outlines other "principles for future development" for the Marathon site, including the need to protect the viewshed at the Foundry Cove end of the property. Traditional zoning doesn't lend itself to the kind of mixed use development described in the LWRS, so applying an "MU-1" label without properly defining what this means seems like a problem. There are more flexible approaches, like planned unit developments, but why plan for something that isn't even feasible if the access issue isn't resolved?

The bottom line here is that sometime in the future the issue of development at Marathon will be just as huge and controversial as the Butterfield development is today. We should do anything we can to strengthen the village's position, and I believe changing the zoning before other issues are addressed would do the opposite, so I would urge you to leave it as-is.

Peter

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August 12, 2016

Dear Trustee Early,

I am providing follow up comment to the one I gave at the public meeting held recently by the Code Update Committee.

Unfortunately I could not attend the meeting in its entirety.

1. On the topic of the proposed change to the method of calculation of parking spaces required for eating and drinking places:

At the meeting I had agreed that moving to an annual or recurring fee for exemptions over the current one-time charge is a change in the correct direction. However I had questioned the change from a number of seats to the square footage of the floor area as the determinant in the calculation. Mike Armstrong then offered his comment on this issue.

Subsequently I wanted to mention (but was not able to do so as I had to leave the meeting) that the Rec. Commission, struggling with a similar challenge as to how to best calculate dockage fees at the river, are apparently considering a portion of the fee may be based on the size of the boat and a portion on the number of passengers. Back to eating and drinking establishments, I realized after some thought that neither a number of seats nor a square footage necessarily track the actual, real impact on village parking. The seats could be empty and the floor space

unoccupied - in some cases, even for establishments which pay a fee. One way to track a measure of actual commercial activity at the establishment would involve sales revenue - which is tallied by businesses in any case as required by state law, for sales tax payments.

Then I thought of a three-part calculation involving in some ratio the number of seats, the square footage, and the sales revenue.

Another concern here might be to determine which types of establishments may have customers arriving more or less by private automobile, and which see their customers arrive, relatively, by other means. Establishments whose customers do not arrive via automobile would have less impact on village parking.

Yet another concern here might be to determine which types of establishments may have customers visiting at days and times of peak demand for parking in the village. Presumably establishments which tend to attract customers in the summer and tourist seasons, and generally on the weekends, add more to the demand value for village parking.

However, of the immediately preceding two concerns I am unclear, other than via personal or ad hoc judgments, of a useable method for differentiating between the factors.

Establishments which offer seasonal, outdoor seating, whether or not the seats are on private property or use village-owned spaces like sidewalk easements, may be charged via a pro-ration of that portion of the fee based on the number of seasonal seats they provide. For example such a seat could count as half or as three-quarters of a normal, indoor, year-round seat.

As you know I am a member of the village parking committee for some years now and as a consequence have been giving considerable observation and thought to the village parking situation.

I certainly recommend wording in the code be included such that any parking exemption fees are to be used for the most part (75% or more?) in developing and maintaining village parking spaces, and for enforcement of village parking regulations.

2. I do not believe blanket grandfathering of waivers to parking space requirements for businesses based on historic site location or business address are appropriate. Any grandfathering of such waivers established by any means should be limited to existing ownerships of established businesses. Any new or renewed waivers (for new ownerships) should be at the discretion of the Planning Board and of the Village Board concurrently deciding.

3. I did not see any proposals from the Code Update Committee reviewing the village's code for the issue of litter and dumping, and for the issue of a controlling the level of noise. Perhaps reviews for these issues will be forthcoming.

I thought the Committee's public meeting was well organized, went smoothly, and was effective. However I would have preferred greater public attendance and participation.

Sincerely,

Frank Haggerty

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August 30, 2016

**Bijou Galleries**

Aug 30

to  
Trustee

Trustee Early and Code Update Committee Members,

My name is Jane Timm.

I am writing in response to proposed changes to the Cold Spring Village Code discussed at the most recent public meeting of the Code Update Committee, which I attended.

As a resident of Cold Spring, a building owner on Main Street, and a business owner in the Village of Cold Spring, I am very concerned about the proposed annual and potentially nonexpiring parking fee suggested for businesses in the B-1 district by the Code Update Committee.

The building which I own at 48-50 Main Street has historically housed a Saloon, a 300 seat Movie Theater (for 60 years!), an art and community center (The River Arts Center), and a workshop and jewelry store. The building currently houses (and has housed for the previous 20+ years) an antique store.

At no time during these documented 100+ years of commercial use (and combined residential use) has parking on site been specifically provided. In fact, my understanding is that no parking can be actually provided given the physical layout of the building on the lot.

Despite not ever providing parking 'on site', the Bijou building has been a continual and essential component of Village life for a good portion of the Village's history. The estimated multi-thousand \$ yearly parking fee (roughly estimated by me with info given in proposed code changes) suggested by the Code Update Committee would most certainly put us out of business and would likely prevent any new businesses from occupying our space. Is this what the Code Update Committee wants? Shuttered storefronts Main Street?

I believe that an annual parking fee to Main Street businesses would be detrimental not only to my business but to any business which intends to occupy this space in the future. I also believe that an annual parking fee would make it difficult for many businesses to survive on Main Street in Cold Spring.

I also believe that an annual fee in lieu of parking spaces provided imposed on Main Street businesses is unfair because our Main St. buildings cannot provide parking, and we are penalized for being located in a pedestrian village.

In addition, alternate forms of transportation (train, foot, bicycle, ferry, etc) are reasonably available to customers and employees of our businesses and should be encouraged, not penalized.

I currently walk to work and I have three employees who walk to work. We have many customers who take the train to visit our store. I have tenants whose employees come to Cold Spring via Metro North and who commute to NY via train (so don't have an extra car). I believe that recurring and nonexpiring parking fees for businesses on Main Street would stifle economic development, making it untenable for me to run my business and for anyone to rent my commercial space to run a business for themselves.

I appreciate the work of the volunteer committee exploring the important information of

the Code. Just listening to the presentation revealed how much effort was involved. I look forward to future presentations of this very important information. Thank you for considering the thoughts I am sharing, and thank you for your time and consideration.

Sincerely,

Jane Timm  
50 Main St, Cold Spring, NY

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August 31, 2016

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**Comments on the Village of Cold Spring proposed changes to the Village code regarding “Use.”**

The community owes the CUC great thanks for the hard work put into the proposed code changes, and the careful consideration of the issue of what uses should be permitted and how they should be governed. I do have a few suggestions, which I hope the CUC will be able to consider before completing the draft.

**Reconsider Mixed Use Densities**

I would urge consideration of allowing some multi-family housing within the proposed “mixed-use” category. As written, only single-family housing seems to be permitted. The intensive development of areas that involves mixing workspaces and commercial opportunities calls for higher than R-1 residential district housing densities. The Marathon property’s proximity to the Metro North station, facilitating customers from out of the Village to buy products made in the Work-Live units, and enabling residents of those units to have easy access to the wider area, is similar to other properties in other developments near stations that incorporate at least some multi-family housing. This would be consistent with the Smart Growth principles to which the Village committed in making its Comprehensive plan. I suggest that “cemetaries and mausoleums” be removed as a permitted use. This smacks of the desire for low density, suburban-style development that is the antithesis of the 19<sup>th</sup> century urban character of the village. We must recognize the great potential value to village character and taxes of these properties.

By the same token, the B3 district [Retail-Financial-Professional, ie, M&T Bank/The Nest], a kind of Mixed Use development, should allow some multi-family housing.

## **Consider Red Tape**

The CUC has included the requirement that use permits (overnight accommodations, accessory apartments, etc.) be renewed annually. This will place a huge administrative burden on village staff, and is likely to result in less real control, not more. If the argument is to increase revenues, make the fees higher, but don't burden residents and businesses with loads of unnecessary red tape. Make renewals every 5 years, or upon a change in ownership. Introducing annual renewals for Parking Waivers is a bad idea for the same reason.

## **Reconsider the cap on the number of Accessory Apartments**

I am skeptical of the reasoning behind the computation of the cap on how many accessory apartments should be allowed in the Village. The question we should try to answer is not "What is the average accessory apartments per thousand residents in other communities?" with the idea of using some sort of composite for Cold Spring, but "How many accessory apartments should the village permit before they become a burden? – with the idea of maximizing the convenience to residents. This is especially true because there are no good statistics about how many (illegal) accessory apartments now exist in the village. What if the real number is 75, or 100, or 150? Have those accessory apartments really hurt the Village? Would permitting all that currently exist create a problem? Would allowing a few more really change the character or overburden the infrastructure (designed to support almost half again as many residents as now live here)? I suggest that the CUC set the cap on accessory apartments at 200, a much higher number, but consistent with the village's infrastructure capacity under even the most conservative scenario.

## **Re-think Parks and Recreation Uses**

The list of uses for Parks and Recreation should include "Performances" and "special events (parades, fireworks, festivals)". I am President of The Chapel Restoration, one of the facilities listed as being part of a future Parks and Recreation District. We put on concerts, conferences, host weddings and receptions, and memorial services, show films, and so on. It is not enough to say that these uses would be grandfathered in. What if the Chapel decided to suspend hosting weddings for a year or two, would the renewal of weddings be subject to the consent of the village? How about the popular Dockside films? The Special Board explicitly recognized the importance of special events to the uses of its riverside parks.

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August 31, 2016

Dear Marie:

When you and your colleagues turn your attention to appearances in the Village I hope you will consider tightening up the regulations about finishing exterior renovations.

I can understand why extensions might be needed, but when building permits are extended indefinitely—perhaps to avoid a possible increase in one’s assessment—that’s gaming the system to the detriment of other property owners, who pay full freight, and the overall appearance of the village. Please review the language, penalties and enforcement.

FYI property owners in the City, both large and small, do this with sidewalk sheds. They halt their work, for any number of reasons, and then extend the permits indefinitely—paying a pittance— and the public pays. This way they avoid paying for the scaffolding to be constructed again at a later date.

Thanks for your consideration.

Rgds, Gretchen Dykstra